

**IN THE UNITED STATES U.S. DISTRICT COURT
FOR DISTRICT OF ALASKA**

CAROLYN MCCLUNG

Plaintiff,

v.

UNITED STATES OF AMERICA

Defendant.

Case No. : __-cv- _____ ()

COMPLAINT

COMES NOW Plaintiff, Carolyn McClung, by and through her counsel, Larry Z. Moser, of the Law Offices of Larry Z. Moser, P.C. and hereby submits her Complaint against the Defendant, and alleges as follows:

1. This court has jurisdiction over this cause of action pursuant to 28 U.S.C. 1346(b) and 28 U.S.C. 2671, et seq., (the Federal Tort Claims Act) as hereinafter more fully appears.

2. Venue is proper in the United States District Court for the District of Alaska pursuant to 28 U.S.C. 1402 (b). The plaintiff was a resident within the District of Alaska when this incident occurred and when the act or omission complained of occurred within the District of Alaska.

3. A Federal Tort Claim was filed with the office of the Transportation Security Administration on or around August 3, 2009; however, due to a backlog of claims their office is experiencing, the claim is still pending and per authority from Attorney Advisor's office of Administrative Claims, has not been resolved and suit is permitted under 28 U.S.C. 2675.

4. The United States of America is a defendant in this matter in that the Transportation Security Administration (TSA) is a department of the United States government and is vicariously liable in that their employees, representatives, contractors, and agents under the theories of respondeat superior, agency, negligence, joint enterprise, negligent entrustment and negligent supervision. The term, “defendant” in this complaint means United States and or the Transportation Security Administration (TSA) acting through their employees, representatives, contractors and/or agents.

5. All events relevant to the cause of action of this complain occurred in the state of Alaska.

6. Carolyn McClung is a resident of the State of Alaska, and is in all ways qualified to bring this proceeding

7. Transportation Security Administration (TSA) controls the security check point for passengers boarding lanes at the Ted Stevens International Airport in Anchorage, Alaska.

8. On December 23, 2007 the plaintiff, Carolyn McClung was at the Anchorage International Airport in Anchorage, Alaska preparing to board a flight. As plaintiff McClung approached the security check in to board her flight, there was a loose wrinkled floor mat in front of the carry-on conveyor belt. As she was waved through, Ms. McClung caught her foot in the loose floor mat, and tripped and fell onto the marble floor.

9. Transportation Security Administration (TSA) had a duty to maintain high traffic airport walkways in a safe manner and to keep them clear from obstructions so as to not be a hazard for passengers boarding planes at the Ted Stevens International Airport in Anchorage, Alaska.

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10. Transportation Security Administration (TSA) negligently failed to keep the floor mat in question in a safe position, therefore breaching its duty of care.

11. As a direct result of defendant's negligence, plaintiff, Carolyn McClung was severely injured and has suffered physical injuries, emotional distress, pain and suffering and other damages, all in excess of \$100,000.00.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against the Defendant as follows:

A. For compensatory damages in an amount greater than \$100,000.00, which will be more precisely proven at trial.

B. For Plaintiff's reasonable costs, interest and attorney's fees;

C. For such other and further relief as the Court deems equitable under the circumstances.

DATED at Anchorage, Alaska the 27th day of September, 2010.

The Law Offices of Larry Z. Moser, P.C.
Attorney for Plaintiff Carolyn McClung

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CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a true and correct copy of the above document was sent by Certified U.S. Mail w/ Return Receipt/restricted delivery on the _____, day September 2010 on the following:

Transportation Security Administration (TSA)
Chief Counsel
601 South 12th Street
Arlington, VA 20598-6002

U.S. Department of Justice
Attorney General
950 Pennsylvania Avenue N.W.
Washington, D.C. 20530

This document was served via hand delivery on the following:
U.S. Attorney General District of Alaska
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222 West 7th Avenue
Anchorage, AK 99513

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